

# USAG Kaiserslautern

## Equal Opportunity Training

*What is Sexual Harassment ?*



**U.S. ARMY**



**USAGK EO Office**

# Pretest



U.S.ARMY

- 1. Which of the following criteria should be considered in deciding whether behavior of a person constitutes sexual harassment:
  - *A. The behavior or innuendo is sexual in nature*
  - *B. The behavior must be explicit*
  - *C. The behavior must create a specific condition used as a basis for career or employment*
  - *D. The behavior is repeated more than once*



# Pretest



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# Pretest



U.S.ARMY

- 2. Which of the following verbal expressions could amount to sexual harassment:
  - A. *Profanity*
  - B. *Telling a co-worker “You look nice today...”*
  - C. *Threats*
  - D. *Jokes*
  - E. *Any term of endearment , even if you are talking to your spouse on the phone while at work*



# Pretest



U.S.ARMY

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  - *E. Any term of endearment , even if you are talking to your spouse on the phone while at work*



# Pretest



U.S.ARMY

- 3. Which of the following nonverbal expressions can most likely amount to sexual harassment:
  - A. *Leering*
  - B. *Lifting of the eyebrow*
  - C. *Pictures*
  - D. *Licking Lips*
  - E. *Smiling*
  - F. *Faxes and e-mail*
  - G. *Posing or adjusting clothing*



# Pretest



U.S.ARMY

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# Pretest



U.S.ARMY

4. The Army's policy on sexual harassment is which of the following:

- *A. Stricter enforcement of regulations*
- *B. More emphasis on training*
- *C. Zero Tolerance*
- *D. More thorough screening of Officer and NCO candidates*





# Pretest



U.S.ARMY

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# Pretest



U.S.ARMY

- 5. When does sexual conduct create a “hostile working environment” in the eyes of the law:
  - *A. When the conduct occurs in the workplace before witnesses*
  - *B. When the victimized soldier or civilian loses a promotion*
  - *C. When the conduct interferes with a soldier or civilian’s performance or comfort level on the job*
  - *D. All of the above*



# Pretest



U.S. ARMY

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# Pretest



U.S.ARMY

- 6. According to the Army's sexual harassment policy, a victim of sexual harassment should inform which of the following:
  - A. *The supervisor or unit commander*
  - B. *The chaplain*
  - C. *The Staff Judge Advocate*
  - D. *All the above*





# Pretest



U.S.ARMY

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  - C. *The Staff Judge Advocate*
  - D. *All the above*



# Pretest



U.S.ARMY

- 7. Which of the following is an effective way to deal with unwelcome sexual advances:
  - *A. Tell the harasser you don't like the advances and you want them to stop*
  - *B. Ignore the advances and pretend the advances are a joke*
  - *C. Report the behavior to the chain of command*
  - *D. Transfer to another unit or section as soon as possible*



# Pretest



U.S.ARMY

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# Pretest



U.S.ARMY

- 8. You may have a legitimate claim of sexual harassment if people in your office engage in sexually explicit conversations that you can overhear, even if they are not talking to you directly.
  - A. *TRUE*
  - B. *FALSE*





# Pretest



U.S.ARMY

- 8. You may have a legitimate claim of sexual harassment if people in your office engage in sexually explicit conversations that you can overhear, even if they are not talking to you directly.
  - **A. TRUE**
  - B. FALSE



# Pretest



U.S.ARMY

- 9. You can not legitimately claim that you have been sexually harassed unless you lose a promotion or some other tangible job benefit.
  - A. *TRUE*
  - B. *FALSE*



# Pretest



U.S.ARMY

- 9. You can not legitimately claim that you have been sexually harassed unless you lose a promotion or some other tangible job benefit.
  - A. *TRUE*
  - B. *FALSE*



# Pretest



U.S.ARMY

- 10. A supervisor or commander who condones sexual harassment in the workplace by failing to curb it can be held guilty of sexual harassment.
  - A. *TRUE*
  - B. *FALSE*





# Pretest



U.S.ARMY

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  - *A. TRUE*
  - *B. FALSE*



# Pretest



U.S.ARMY

- 11. Sexual Harassment can occur only in the workplace.
  - A. *TRUE*
  - B. *FALSE*



# Pretest



U.S.ARMY

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  - A. *TRUE*
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# Pretest



U.S.ARMY

- 12. Sexual Harassment necessarily involves a supervisor-subordinate relationship.
  - A. *TRUE*
  - B. *FALSE*





# Pretest



U.S.ARMY

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  - A. *TRUE*
  - B. *FALSE*



# USAG Kaiserslautern Equal Opportunity Training

*What is Sexual Harassment ?*



**U.S. ARMY**



**USAGK EO Office**

# Overview



- What is sexual harassment
- Identify sexual harassment behaviors
- Related elements of sexual harassment
- Repercussions of sexual harassment
- Techniques of dealing with sexual harassment
- Strategies for prevention





# What is Sexual Harassment ?



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- A form of gender discrimination
  - Term or condition of a person's pay, job, or career
  - Term or basis for employment or career decisions affecting that person
  - Creates an intimidating, hostile, or offensive environment
- Supervisory and Command responsibilities
- Any person who make repeated **unwelcomed** verbal comments, gestures, or physical contact





# Types of Sexual Harassment



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## ■ Quid Pro Quo

- *Implicit or explicit*
- *Conditions or demands*
- *Awarding or favorable actions*
- *Disciplining, relieving or threatening*
- *Threats of poor evaluation reports*
- *Allegations of favoritism, discrimination, deprived recognition or advancement*



# Types of Sexual Harassment



## ■ Hostile Work Environment

- *Offensive, unwanted, and unsolicited comments or behaviors of sexual nature*
- *Interferes with performance*
- *Mostly implicit or subtle*
- *Includes nonviolent sexual behaviors*
- *Gender-biased comments, suggestive pictures, jokes*



# Categories



- Verbal
- Nonverbal
  - *Printed material*
  - *E-mail*
- Physical Contact
- Most Common
  - *Sexual Jokes, **profanity**, threats, sexual comments, describing certain sexual attributes about physical appearance*





# Sexual Harassment Behaviors



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## ■ Verbal Sexual Harassment:

- *Profanity, Off-color jokes, Overt reactions to physical appearance (barking, growling, whistling, etc...), Applying terms of endearment to co-workers (honey, baby, dear, etc...)*
- *Jody calls of a sexual nature*
- *Sexual oriented remarks about another's clothing, body, or sexual activities*
- *Threats or Pressure, no matter how slight, for sexual activity*



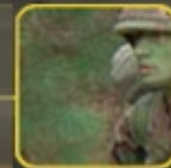


# Sexual Harassment Behaviors



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- **Nonverbal Sexual Harassment:**
  - *Sexually oriented entertainment at functions*
  - *Leering, Ogling, Blowing kisses, Licking lips, Winking, Giving or displaying sexually suggestive cartoons or pictures, Provocatively posing or adjusting clothing in the presence of others*
  - *Gestures made with intentional sexual overtones*
  - *Leaving sexually suggestive notes*



# Sexual Harassment Behaviors



## ■ Physical Sexual Harassment:

- *Touching*
- *Patting*
- *Pinching*
- *Bumping*
- *Grabbing*
- *Cornering*
- *Hugging*
- *Kissing*
- *Sliding up to someone*
- *Playing “footsie” or “kneesie”*
- *Adjusting someone’s clothing*



# Related elements of sexual harassment



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- **Impact vs Intent**
  - Evaluation based on victim's perspectives
- Is it appropriate or inappropriate in relation to Army policy?
- **Reasonable Person Standard**



# Reasonable Person Standard



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- Standard of evaluating the evidence in sexual harassment cases
- Demonstrate severity and persuasiveness
  - *What a reasonable person think is “out of bounds” or interferes with work performance*



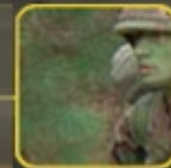


# Reasonable Person Standard



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- **Objective Standard**
  - *Would a reasonable person in the same position consider the conduct severe or pervasive*
- **Subjective Standard**
  - *Conduct is sufficiently severe or pervasive enough to interfere with the work environment*



# Sexual Harassment Checklist



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- Is the behavior sexual in nature?
- Is the behavior unwelcome?
- Does the behavior create a hostile or offensive environment?
- Have sexual favors been demanded, requested, or suggested?



# Repercussions



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## OFFENSE

Making sexual comments or gestures



Offering rewards for sexual behaviors

Making unsolicited or unwelcome sexual contact with the intent to gratify lust or sexual desire

## UCMJ ARTICLE

**Art 89** disrespect towards superior officer

**Art 91** insubordinate conduct towards a WO or NCO

**Art 117** provoking speech and gestures

**Art 134** indecent language

**Art 134** bribery

**Art 134** indecent assault



# Repercussions



## OFFENSE

Threatening the career, job, or salary of a person unless he or she “cooperates”

Engaging in or condoning sexual behavior

Influencing or threatening the career, pay, or job of another person in exchange for sexual favors

## UCMJ ARTICLE

Art 127 extortion

Art 134 communicating a threat

Art 92 failure to obey an order or regulation

Art 133 conduct unbecoming an officer

Art 93 cruelty and maltreatment





# Sexual Misconduct



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- Punishable under one or more articles of the UCMJ
  - \* Sexual Abuse
  - \* Battery
  - \* Rape
- Penalties are severe
- Must be referred to the proper authorities, i.e., MP or CID



# Impact of Sexual Harassment



## ■ Individual/victim:

- *Anger, reduction in performance, avoidance, increased absentee rate, and self blame physiological and emotional*

## ■ Unit:

- *Loss of unit cohesion, low morale, and undermines readiness*

## ■ Mission:

- *Detracts from mission accomplishment*



# Techniques for dealing with Sexual Harassment



- **Direct approach**
- **Indirect approach**
- **Third party**
- **Chain of command**
- **File a formal complaint**



# Leader's Responsibilities



- Examine his/her own personal behavior
- Provide an environment free of intimidation, hostility, or psychological stress
- Control social interactions so that they do not interfere with productivity
- Take corrective action whenever sexual behavior is displayed





# Leader's Responsibilities



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- Assign responsibility to the appropriate parties by holding persons accountable for their own actions
- Establish, maintain and enforce standards
- Take disciplinary action when sexual harassment has occurred



# Strategies for Prevention



- **Policy**
- **Education and Training**
  - *Effective and provides answers questions and concerns*
- **Leadership**
  - *Coach, teach, counsel, mentor, and set the example*
  - *Ensure reported incidents are taken seriously*

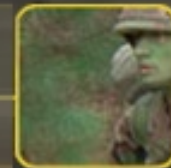
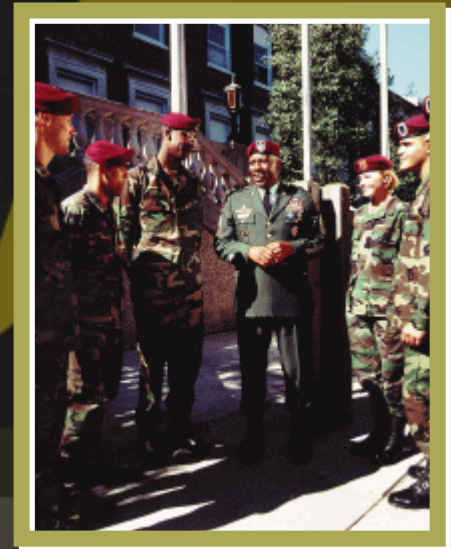


# Strategies for Prevention



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- *Do not assume that everyone understands what is sexual harassment*
- *Challenge it! Don't tolerate jokes, sneers, leers, gestures and so forth*
- *Discipline as appropriate*
- **“Management by Walking”**



# Remember...



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- The Army policy provides equal opportunity, fair treatment, and an environment **free of unlawful discrimination and offensive behavior**
  - *On and Off Post*
  - *Duty and Non-Duty hours*
  - *Applies to Working, Living and Recreational Environments*





# USAG KAISERSLAUTERN

## E0 Executive Level Training

### *Case Studies*



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# Case Studies



- A male soldier talks to his significant other on the phone about the intimate things he wants to do with her during lunch time. The conversations contain some sexual connotations. The soldier is using one of the phones located in the company building, and his conversations can be overheard by many others in the room. Several individuals witnessed this incident, but did nothing about it.
- Is this sexual harassment? What actions would you recommend as a leader, manager, or supervisor?



# Case Studies



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- **PVT Frank Martinez and PFC Robert Steel are always sharing their romantic exploits with the rest of the men in the barracks. They know that after a long weekend they will have a ready audience to listen to their conquests. Sometimes their stories can be pretty graphic, with a few sexual jokes thrown in for good measure. Some of the men, especially those with strong religious convictions feel uncomfortable during these sessions, but do not complain because they do not want to be perceived as non-members of the group or as “party poopers.”**
- **Are these men being sexually harassed? What actions would you have taken in this situation?**



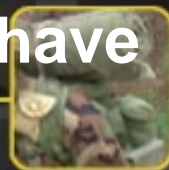


# Case Study



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- A male soldier is having problems with his Algebra class. One day, he approached his squad leader for help. The squad leader, a female NCO, informs him that she would be glad to help, but only if he is willing to help her with a special assignment. She makes it very clear to him that special attention does not come cheap, and that for this favor she expects him to “be ready at no moments notice.” Taking the hint, he agrees assuming that he would now have the best of two worlds because he was getting help with an extra bonus on the side.
- If you were the squad leader, What would you have done differently?





# Case Study



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A Male MSG supervises five other soldiers; 3 females and two males. He seems to have a special personal relationship with one of his female soldiers. They often joke and tease each other in the workplace. The jokes often contain subtle sexual innuendos. The female soldier gets promoted to Specialist within a few months of being in the unit. The rest of his soldiers claim that her promotion was purely based on promised sexual favors, not upon merit or ability. The soldiers decided to address the issue with the company commander.

Is this sexual harassment? What actions would you have taken in this situation?



# Summary



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- What is sexual harassment
- Identify sexual harassment behaviors
- Related elements of sexual harassment
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# Any Questions...

*“A Positive Attitude is a  
Powerful Force”*



**U.S.ARMY**



**USAGK EO Officer**

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